

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA  
PHILADELPHIA**

MARC BRAGG, Esq., an individual, CIVIL DIVISION

Plaintiff, No. 06-cv-4925

v. **JUDGE EDUARDO ROBRENO**

LINDEN RESEARCH, INC., a corporation,  
and PHILIP ROSEDALE, an individual,

## Defendants.

**INCORPORATION OF EXHIBITS, SUPPLEMENTAL EXHIBITS  
AND NOTICE OF ERRATA TO PLAINTIFF'S  
BRIEF IN OPPOSITION TO MOTION TO COMPEL ARBITRATION**

AND NOW, comes Plaintiff, Marc Bragg, Esq., by and through counsel, Jason A. Archinaco, Esq., and the law firm of WHITE AND WILLIAMS, LLP, and submits the following Incorporation of Exhibits, Supplemental Exhibits and Errata to Plaintiff's Brief in Opposition to Motion to Compel Arbitration, as follows:

## **INCORPORATION OF EXHIBITS**

1. Plaintiff hereby incorporates by reference, Exhibits 4 through 7, and Exhibits 10 and 12 attached to Plaintiff's Brief in Support of Motion for Preliminary Injunction as if more fully set forth herein.

## **SUPPLEMENTAL EXHIBITS**

2. Plaintiff hereby supplements the Exhibits attached to Plaintiff's Brief in Opposition to Motion to Compel Arbitration by adding as Exhibit "6," a true and correct copy of the cover and Pages 80 to 85 of the February 2007 edition of Inc. Magazine, featuring an interview by Philip Rosedale, and receipt for purchase of same at a news stand located in the Commonwealth of Pennsylvania, attached hereto.

3. Plaintiff hereby supplements, by lodging a copy with the Clerk of Court and serving same on counsel and a courtesy copy to Chambers; the Exhibits attached to Plaintiff's Brief in Opposition to Motion to Compel Arbitration, by adding as Exhibit "7," a true and correct copy, in MP3 audio format, of the interview of Philip Rosedale conducted on AfterTV.com on July 12, 2006.

**NOTICE OF ERRATA**

With apologies to the Court and opposing counsel, Plaintiff offers the following corrections to the citations in Plaintiff's Brief in Opposition to Motion to Comepl Arbitration:

4. On Page 8 of Plaintiff's Brief, the correct citation should be *Doctor's Assoc., Inc. v. Casarotto*, 517 U.S. 681, 687 (1996).
5. On Page 8 of Plaintiff's Brief, the correct citation should be *First Options of Chicago, Inc. v. Kaplan*, 514 U.S. 938, 944 (1995).
6. On Page 9 of Plaintiff's Brief, the correct citation should be *Par-Knit Mills, Inc. v. Stockbridge Fabrics Co.*, 636 F.2d 51, 54 n. 9 (3d Cir. 1980).
7. On Page 9 of Plaintiff's Brief, the correct citation should be *Owen v. MBPXL Corp.*, 173 F.Supp.2d 905, 922 (N.D. Iowa 2001).
8. On Page 10 of Plaintiff's Brief, the correct citation should be *Mitchell v. American Fair Credit Assoc., Inc.*, 99 Cal.App.4<sup>th</sup> 1345, 1355 (2002).
9. On Page 10 of Plaintiff's Brief and throughout the Brief, the correct citation should be *Green Tree Financial Corp.—Alabama v. Randolph*, 531 U.S. 79, 90 (2000).
10. On Page 10 of Plaintiff's Brief, the correct citation should be *Three Valleys Municipal Water Dist. v. E.F. Hutton & Company*, 925 F.2d 1136, 1141 (9th Cir. 1991).

11. On Page 10 of Plaintiff's Brief, the correct citation should be *Armendariz v. Foundation Health Psychcare Servs.*, 24 Cal. 4th 83, 115 (Cal. 2000).
12. On Page 10 of Plaintiff's Brief and throughout Plaintiff's Brief, the correct citation should be *Comb v. Paypal, Inc.*, 218 F.Supp.2d 1165, 1170-1 (N.D.Cal. 2002).
13. On Page 11 of Plaintiff's Brief, the correct citation should be *Ben-Zvi v. Edmar Co.*, 40 Cal.App.4th 468, 473, 47 Cal.Rptr.2d at 12 (1995).
14. On Page 11 of Plaintiff's Brief, the correct citation should be *Nedlloyd Lines B.V. v. Sup. Ct.*, 3 Cal.4th 459, 469 (Cal. 1992).
15. On Page 16 of Plaintiff's Brief, the correct citation should be *Acorn v. Household Int'l, Inc.*, 211 F.Supp.2d. 1160, 1167-8 (N.D.Cal. 2002).
16. On Page 16 of Plaintiff's Brief, the correct citation should be *Circuit City Stores, Inc. v. Adams*, 279 F.3d 889, 895 (9<sup>th</sup> Cir. 2002).
17. On Page 23 of Plaintiff's Brief, the correct citation should be *M/S Bremen v. Zapata Off-Shore Co.*, 407 U.S. 1, 18, 92 S.Ct. 1907 (1972).
18. On Page 24 of Plaintiff's Brief, the correct citation should be *Pinedo v. Premium Tobacco Stores, Inc.*, 85 Cal.App.4th 774, 781 (Cal.App. 2000).
19. On Page 25 of Plaintiff's Brief, the correct citation should be *Ting v. AT&T*, 182 F.Supp.2d 902, 916-7, *aff'd in part, rev'd in part*, 319 F.3d 1126 (9<sup>th</sup> Cir. (Cal.) 2003), *cert. denied*, 540 U.S. 811 (2003).
20. On Page 25 of Plaintiff's Brief, the correct citation should be *Popovich v. McDonald's Co.*, 189 F.Supp.2d 772, 778 (N.D.Ill. 2002).
21. On Page 25 of Plaintiff's Brief, the correct citation should be *Camacho v. Holiday Homes, Inc.*, 167 F.Supp.2d 892 (W.D.Va. 2001).

22. On Page 26 of Plaintiff's Brief, the correct citation should be *Spinetti v. Service Corp., Int'l.*,  
2001 U.S. Dist. LEXIS 23959 (W.D.Pa. 2001).

Respectfully submitted,

Date: January 30, 2007

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By CB 1429

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